

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)(SN)
ECF Case

This document relates to:

Parker, et al. v. Islamic Republic of Iran, 18-cv-11416

AFFIDAVIT OF SERVICE

State of New York :
: ss.

County of New York :

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK

Dorothea M. Capone, Esq., an attorney at law duly admitted before the Courts of the
State of New York, being duly sworn, hereby deposes and says that:

1. Plaintiffs' Final Order of Summary Judgment and Notice of Default Judgment against
the Islamic Republic of Iran, along with certified translations of each, were served upon
defendant the Islamic Republic of Iran.

2. Service was effectuated upon the Iranian Ministry of Foreign Affairs as transmitted
by the Foreign Interests Section of the Embassy of Switzerland in Tehran under cover of
diplomatic note No. 1162-IE dated and delivered on December 18, 2019, in accordance with the
Foreign Sovereign Immunities Act, 28 U.S.C. § 1608, et seq. A true and correct copy of the
Diplomatic Note No. 1162-IE and supporting U.S. Department of State documents are attached
hereto as Exhibit A.

3. The Clerk of Court's transmittal to the U.S. Department of State, pursuant to Foreign Sovereign Immunities Act, 28 U.S.C. § 1608, et seq., made at my request is attached hereto and incorporated herein as Exhibit B; *see* also Clerk Certificate of Mailing, ECF No. 31.

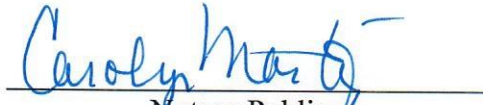
4. That receipt of transmittal by the U.S. Department of State was acknowledged by the Clerk of Court on January 23, 2020 as noted on the docket.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing information contained herein is true and correct.

Dated: January 29, 2020


Dorothea M. Capone, Esq.

Sworn to before me this
29th day of January, 2020.


Notary Public

CAROLYN MARTINEZ
Notary Public, State of New York
No. 01MA6084613
Qualified in New York County
Commission Expires: December 9, 2022

EXHIBIT A



United States Department of State

Washington, D.C. 20520

January 21, 2020

Ruby J. Krajick
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

**Re: Joan Parker, et al. v. Islamic Republic of Iran, 1:18-cv-11416
(GBD)(SN)**

Dear Ms. Krajick:

I am writing regarding the Court's request for transmittal of a Final Order of Summary Judgment and Notice of Default Judgment to the Islamic Republic of pursuant to 28 U.S.C. Section 1608(a)(4) and (e) as a defendant in the above referenced lawsuit.

Because the United States does not maintain diplomatic relations with the Government of Iran, the Department of State is assisted by the Foreign Interests Section of the Embassy of Switzerland in Tehran in delivering these documents to the Iranian Ministry of Foreign Affairs. The documents were delivered to the Iranian Ministry of Foreign Affairs under cover of diplomatic note No. 1162-IE dated and delivered on December 18, 2019. A certified copy of the diplomatic note is enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hess", with a long, sweeping horizontal line extending to the right.

Jared N. Hess
Attorney Adviser
Overseas Citizens Services
Office of Legal Affairs



U.S. Embassy
BERN, SWITZERLAND
<https://ch.usembassy.gov>
Customer: JOAN PARKER V. ISLAMIC
REP. OF IRAN
Date: 11/29/2019 2:41:17 PM
Register: ACS Cash
Transaction: 15035806
Tender: U.S. Dollars
Exchange Rate: 1.00USD = 1.000LC

Qty	Svc	Ctry	Visa	Price
1	51			\$2,275.00
	LETTERS			Fr. 2'275.00
	ROGATORY/FSIA FEE			

Balance		\$2,275.00
Amount Paid		\$2,275.00
Change		\$0.00

CUSTOMER COPY
ALL TRANSACTIONS ARE
FINAL - NO REFUNDS

Sensitive But Unclassified (SBU)

45263



SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

Brianna E Powers, a consular officer at the Embassy of the United States at Bern, Switzerland, certify that this is a true copy of Embassy note number 27062 dated November 29, 2019, which was transmitted to the Swiss Ministry of Foreign Affairs on December 4, 2019 for further transmission to the American Interests Section of the Swiss Embassy in Tehran, Iran.



(Signature of Consular Officer)

Brianna E. POWERS
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

January 3, 2020
(Date)





Embassy of the United States of America

November 29, 2019

CONS NO.

27062

Federal Department of Foreign Affairs
Foreign Interests Section
Kochergasse 10
Federal Palace North
Office #4.001
3003 Bern

Subject: JUDICIAL ASSISTANCE: Service of process under the Foreign Sovereign Immunities Act (FSIA) – Joan Parker, et al. v. Islamic Republic of Iran, 1:18-cv-11416 (GBD)(SN)
REF: ----

The Department of State has requested the delivery of the enclosed Final Order of Summary Judgment and Notice of Default Judgment to the Ministry of Foreign Affairs of the Islamic Republic of Iran pursuant to the Foreign Sovereign Immunities Act in the matter of Joan Parker, et al. v. Islamic Republic of Iran, 1:18-cv-11416 (GBD)(SN).

The Embassy is herewith requesting the Swiss Ministry of Foreign Affairs to transmit the documents to the American Interests Section of the Swiss Embassy in Tehran. There is one defendant to be served in this case: the Islamic Republic of Iran. The American Interests Section should transmit the Final Order of Summary Judgment and Notice of Default Judgment to the Iranian Ministry of Foreign Affairs under cover of one diplomatic note utilizing the language provided in the enclosed instructions.

Transmittal should be done in a manner which enables the Embassy to confirm delivery. The American Interests Section should execute certifications of the diplomatic notes, which will be forwarded by the Department of State to the requesting court in the United States.

Enclosed is one appropriate part of a message the Embassy received from the Department of State as well two sets of documents for the Islamic Republic of Iran.

The Embassy would appreciate being informed of the date the American Interests Section of the Swiss Embassy in Tehran receives the documents as well as the date the Interests Section forwards the documents to the Iranian authorities.

SPP's assistance is much appreciated.



**BEGIN TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT ISLAMIC
REPUBLIC OF IRAN:**

The Embassy of Switzerland, Foreign Interests Section in Tehran refers the Ministry of Foreign Affairs of the Islamic Republic of Iran to the lawsuit Joan Parker, et al. v. Islamic Republic of Iran, 1:18-cv-11416 (GBD)(SN), in the U.S. District Court for the Southern District of New York. The Islamic Republic of Iran is a defendant in this case. The Foreign Interests Section transmits a Final Order of Summary Judgment herewith. The U.S. District Court for the Southern District of New York has requested service of these documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608(a)(4) and (e).

In addition to the Final Order of Summary Judgment, the Foreign Interests Section is enclosing a Notice of Default Judgment, prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States. Please note that under U.S. law, attachment and execution proceedings pursuant to Title 28, United States Code, Section 1610 may commence after a reasonable period of time from the giving of notice of the Default Judgment.

The Foreign Interests Section has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

Attachments:

1. Final Order of Summary Judgment and Notice of Default Judgment
2. Translations

**END TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT ISLAMIC
REPUBLIC OF IRAN**

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

I certify that the annexed document bears the genuine seal of the Swiss Federal Department of Foreign Affairs.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.



(Signature of Consular Officer)

Brianna E. POWERS
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

January 3, 2020
(Date)





Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDFA

K. 346-01-02-01-USA/IRAN

The Federal Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and refers to Cons Note No. 27062 dated November 29, 2019 regarding judicial assistance and has the honor to convey following documents of the U.S. Interests Section of the Embassy of Switzerland in Tehran:

Judicial Assistance: Joan Parker, et al. v. Islamic Republic of Iran, 1:18-cv-11416 (GBD)(SN)

- Note No. 1162-IE addressed to the Islamic Republic of Iran

dated December 18, 2019 and proof of service, dated December 18, 2019 as well as the certification by the Swiss Federal Chancellery dated December 24, 2019.

The section has received the above mentioned documents on December 16, 2019. It has transmitted these to the Iranian Ministry of Foreign Affairs together with its diplomatic note on December 18, 2019. The reception of the mentioned documents was refused the same day by the Iranian Ministry of Foreign Affairs.

The Federal Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of United States of America the assurances of its highest consideration.

Berne, December 24, 2019

Enclosure(s) mentioned



To the
Embassy of the
United States of America

Berne

SPECIFIC AUTHENTICATION CERTIFICATE

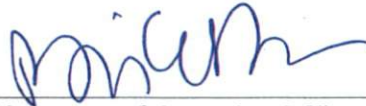
Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

I certify that the annexed document is executed by the genuine signature and seal of the following named official who, in an official capacity, is empowered by the laws of Switzerland to execute that document.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Maya FONTAINE

(Typed name of Official who executed the annexed document)



(Signature of Consular Officer)

Brianna E. POWERS

(Typed name of Consular Officer)

Consul of the United States of America

(Title of Consular Officer)

January 3, 2020

(Date)





Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Embassy of Switzerland in Iran
Foreign Interests Section

No. 1162-IE

The Embassy of Switzerland, Foreign Interests Section in Tehran, presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Iran, and has the honor to refer the Ministry to the lawsuit Joan Parker, et al. v. The Islamic Republic of Iran, 1:18-cv-11416 (GBD)(SN), in the U.S. District Court for the Southern District of New York. The Islamic Republic of Iran is a defendant in this case. The Embassy transmits a Final Order of Summary Judgment herewith. The U.S. District Court for the Southern District of New York has requested service of these documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608(a)(4) and (e).

In addition to the Final Order of Summary Judgment, the Embassy is enclosing a Notice of Default Judgement prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States. Please note that under U.S. law, attachment and execution proceedings pursuant to Title 28, United States Code, Section 1610 may commence after a reasonable period of time from the giving of notice of the Default Judgment.

The Embassy has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

The Embassy of Switzerland, Foreign Interests Section, avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Islamic Republic of Iran the assurances of its highest consideration. *le*

Tehran, December 18, 2019



Attachments:

1. Final Order of Summary Judgment, and Notice of Default Judgment
2. Translations

**Ministry of Foreign Affairs
Islamic Republic of Iran
Department of American Affairs
Tehran**

I, Patricia Weber Singh, Head of the Foreign Interests Section of the Embassy of Switzerland in Iran, certify herewith that this is a true copy of the Diplomatic Note No. 1162-IE, dated December 18, 2019. The delivery of this note and its enclosures was attempted on December 18, 2019, but the Iranian Ministry of Foreign Affairs refused its acceptance.

P. Weber Singh

Patricia Weber Singh
Head of the Foreign Interests Section

Tehran, December 18, 2019



APOSTILLE

(Convention de la Haye du 5 octobre 1961)

1. Country: SWISS CONFEDERATION

This public document

2. has been signed by P. Weber Singh

3. acting in the capacity of officer

4. bears the seal/stamp of

Embassy of Switzerland US Interests Section Tehran

Certified

5. at Berne

6. the 24 December 2019

7. by Maya Fontaine
functionary of the Swiss federal Chancellery

8. No. 030675

9. Seal/stamp:

Swiss federal Chancellery

10. Signature:

Maya Fontaine



ترجمه غیر رسمی

سفارت سوئیس
قسمت حافظ منافع خارجی

شماره IE - 1162

سفارت سوئیس، قسمت حافظ منافع خارجی در تهران، ضمن اظهار تعارفات خود به وزارت امور خارجه جمهوری اسلامی ایران، احتراماً توجه آن وزارتخانه محترم را به دعوی حقوقی تحت عنوان جون پارکر و دیگران، بر علیه جمهوری اسلامی ایران، تحت پرونده مدنی شماره (SN)(GBD) 1:18-cv-11416 که در دادگاه ناحیه ای ایالات متحده آمریکا در ناحیه جنوب نیو یورک مفتوح میباشد، جلب می نماید. جمهوری اسلامی ایران طرف خوانده در این پرونده می باشد. سفارت سوئیس بنا به درخواست دادگاه ناحیه ای ایالات متحده آمریکا در ناحیه جنوب نیو یورک، یک فقره دستور نهایی صدور حکم بدون دادرسی را ابفاد می دارد. برابر مقررات فصل 28 بخش 1608 بند (الف)(4) و (e) مجموعه قوانین ایالات متحده، این یادداشت به منزله ابلاغ مدارک مذکور به دولت جمهوری اسلامی ایران تلقی می گردد.

سفارت علاوه بر دستور نهایی صدور حکم بدون دادرسی، اطلاعیه حکم غیابی که توسط شاکی دائر بر خلاصه ماهیت پرونده و مشتمل بر رونوشتی از مجموعه قوانین ایالات متحده آمریکا در خصوص دادخواست علیه دولتهای خارجی تهیه شده است، را به پیوست ابفاد می دارد. لطفاً توجه داشته باشید که متعاقب مقررات فصل 28 بخش 1610 مجموعه قوانین ایالات متحده آمریکا، اقدامات اجرائی و حکم می توانند بعد از مدت زمان معقول از دادن اطلاع از حکم غیابی، آغاز گردد.

سفارت بدینوسیله اشعار می دارد که بموجب قوانین ایالات متحده آمریکا، هر گونه دفاع مربوط به قلمرو قضائی و اداری و یا دفاع دیگری، از جمله عنوان نمودن مصونیت دولت ها، باید در مقابل دادگاه صورت گیرد. از این رو مشورت با یک مشاور حقوقی در ایالات متحده آمریکا توصیه می گردد. وزارت امور خارجه ایالات متحده آمریکا آماده گفتگو با مشاور در مورد قوانین مربوطه میباشد. دولت ایالات متحده آمریکا از طرفین این پرونده نبوده و نماینده هیچ یک از طرفین نخواهد بود.

سفارت سوئیس، قسمت حافظ منافع خارجی، موقع را مغتنم شمرده و مراتب احترامات فائقه خود را نسبت به وزارت امور خارجه جمهوری اسلامی ایران را تجدید می نماید.



تهران، بتاريخ بیست و هفتم آذر ماه ۱۳۹۸ (۱۸ دسامبر ۲۰۱۹)

پیوست: ۱ - دستور نهایی صدور حکم بدون دادرسی و اطلاعیه حکم غیابی
۲ - ترجمه ها

اداره امور آمریکا
وزارت امور خارجه
جمهوری اسلامی ایران
تهران

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Parker et. al

-v-

The Islamic Republic of Iran

DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:

CERTIFICATE OF MAILING

Case No.: 18cv11416, 03MD1570 (GBD)(SN)

I hereby certify under the penalties of perjury that on the 2 day of October, 2019, I served: Islamic Republic of Iran c/o H.E Dr . Mohammad Javad Zarif, Foreign Minister, The Ministry of Foreign Affairs for Islamic Republic of Iran, Imam Khomeini Square, Tehran, Iran 1136914811

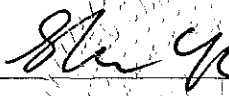
- ☐ the individual of the foreign state, pursuant to the provisions of FRCP 4(f)(2)(c)(ii).
- ☐ the head of the ministry of foreign affairs, pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3).
- ☒ the Secretary of State, Attn: Director of Consular Services, Office of Policy Review and Inter-Agency Liaison (CA/OCS/PRI), U.S. Department of State, SA-29, 4th Floor, 2201 C Street NW, Washington, DC 20520, pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(4).
- ☐ the head of the agency or instrumentality of the foreign state, pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(b)(3)(B).

2 copy(ies) of the Notice of Default Judgment w/Foreign Sovereign Immunities Act, Final Order of Summary Judgment and Certification of translator

by FEDEX 7763 7255 0238.

Dated: New York, New York
October 2, 2019

RUBY J. KRAJICK
CLERK OF COURT


Shanee McLeod
DEPUTY CLERK

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